

REMARKS

1. Formal Matters

Initially, the Examiner has objected to the specification because it lacks headings. Applicant has amended the specification above to add the recommended headings from the MPEP to the application.

Additionally, the Examiner has rejected all of Claims 1-22 under 35 U.S.C. §112, second paragraph, based on the contention that those claims are indefinite. The Examiner's rejection is based on the assertion that Claim 1 does not positively recite a method. Applicant respectfully traverses the Examiner's rejection. As can be seen in Claim 1—which was amended to clarify the language of the claim, as will be discussed below—the present Claim 1 does in fact include steps comprising a method. Specifically, Claim 1 recites a method in which (1) at least one printing stencil is supplied with one or more inks, and in which (2) the printing stencil is brought into contact with a textile material. Furthermore, Claim 1 recites specific properties of the one or more inks supplied to the printing stencil. Thus, Claim 1 clearly recites a method, and Applicant hereby respectfully requests that the Examiner withdrawn the rejection under 35 U.S.C. §112.

2. Rejection Under 35 U.S.C. §102(b)

The Examiner has substantively rejected Claims 1 and 13 under 35 U.S.C. §102(b), based on the contention that they are anticipated by U.S. Patent No. 3,915,087, issued to Tiemann (Tiemann '087). Applicant respectfully traverses the Examiner's rejections.

Notwithstanding the above traversal, Applicant has amended Claims 1, 3-5, and 7-22 to clarify the language of the claims, and to clarify the present invention, and has deleted Claims 2 and 6. Claim 1, the sole remaining independent claim, has been amended to specifically state that at least one of the inks supplied to the printing stencil includes a bonding agent and microcapsules, wherein the microcapsules enclose one or more active substances selected from the group consisting of moisture absorbing agents, skin-cure agents, medicaments, nutritional supplements, vitamins, perspiration formation or decomposition inhibiting substances, temperature-stabilizing materials, and aromatic substances.

Claim 1, as amended, includes the limitations of former Claims 2 and 6. As was acknowledged by the Examiner in the Office Action, Tiemann '087, by itself, does not teach or disclose the present invention as amended. Therefore, Applicant respectfully submits that the Examiner's rejection under 35 U.S.C. §102(b) has now been overcome.

3. Rejection Under 35 U.S.C. 103(a)

The Examiner has additionally rejected Claims 2-12, and 14-19 under 35 U.S.C. §103(a), based on the contention that they are unpatentable over Tiemann '087 in view of one or more of U.S. Patent No. 6,417,916, issued to Suzuki et al (Suzuki '916), Suzuki '916 in further view of Japanese Patent No 4,059,276, issued to Sato (Sato '276), U.S. Patent No. 5,231,450, issued to Daniels (Daniels '450), U.S. Patent No. 4,852,483, issued to Bussard (Bussard '483), U.S. Patent No. 6,550,813, issued to Siegrist (Siegrist '813), and U.S. Patent No. 5,891,562, issued to Rutz et al (Rutz '562). Applicant respectfully traverses the Examiner's rejections.

As noted above, Claims 2 and 6 have been deleted, and Claim 1 has been substantively amended. Specifically, Claim 1 has been amended to include the limitations of Claims 2 and 6. As Claim 1 is the only independent claim remaining, Applicant will address the Examiner's rejections relative to that claim only.

The Examiner originally rejected Claims 1, 2 and 6 as being anticipated by one of Tiemann '087 in view of Suzuki '916, or Tiemann '087 in view of Suzuki '916 in further view of Sato '276. As will be described below, however, there is absolutely no teaching or motivation to combine the teachings of the above references. As such, Claim 1 is not taught, disclosed or suggested by the references noted above.

Tiemann '087 is directed to uses of screen printing stencils for printing textile materials in sections. (Tiemann '087, Col. 1, Lines 22-26 and 51). As described in that reference, the ink used may include colour, or be a colourless varnish. (Id., Col. 1, Lines 56-64). There is no mention of the inclusion of microcapsules or other particulate material within the ink, except for the possibility of using particulate pigment within the ink.

Suzuki 916 discloses a layer of microcapsules coated over a sheet of paper. The microcapsules are filled with dye or ink. (Suzuki '916, Col. 1, Line 8). These microcapsules are then coated onto a sheet of paper by mixing the microcapsules with a suitable binder and then coating the mixture using an atomizer. (Id., Col. 8, Lines 48-49).

Sato '276 solely discloses microcapsules that enclose an aromatic agent.

The use of screen printing stencils is a very different art than the atomization of microcapsules. As such, one of ordinary skill in the art would never look to the atomization process of Suzuki '916 to solve the shortcomings of Tiemann '087.

Furthermore, there are no teachings within Suzuki '916 that suggest the microcapsules atomized in that reference would be beneficial within a screen printing environment.

Similarly, Tiemann'087 fails to suggest that the inclusion of microcapsules within the ink would be beneficial at all. In fact, Tiemann'087 fails to teach the inclusion of any particulate in the ink.

Based on the above, Applicant submits that there is no suggestion or motivation to combine the references disclosed by the Examiner. As Applicant is sure the Examiner is aware, there must be some suggestion or motivation to combine two or more references to obviate a pending claim. See MPEP 2143 *et seq.* Since the references are not properly combinable, Applicant submits that former Claims 2 and 6 (now incorporated into Claim 1) were not obviated by the combination of Tiemann '087 with Suzuki '916, and therefore Claim 1 should now be in condition for allowance.

Furthermore, the remaining claims in the application, namely Claims 3-5, and 7-22, all depend from Claim 1, and should similarly now be in condition for allowance.

4. Conclusion

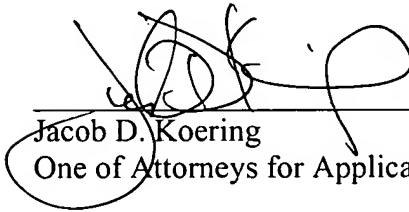
Based on the above amendments and arguments, Applicant submits that Claims 1, 3-5 and 7-22 are now in condition for allowance. Therefore, reconsideration and passage to allowance of all currently pending claims is respectfully requested.

Should anything further be required, a telephone call to the undersigned, at (312) 226-1818, is respectfully invited.

Respectfully submitted,

FACTOR & PARTNERS, LLC

Dated: January 5, 2004



Jacob D. Koering
One of Attorneys for Applicant

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on January 5, 2004.

Jacob D. Koering

